

## *St. Louis City Ordinance 63988*

FLOOR SUBSTITUTE

BOARD BILL NO. [96] 321

INTRODUCED BY ALDERMAN JAMES SONDERMANN

An ordinance pertaining to the Firemen's Retirement System; amending Ordinance 49623, approved November 9, 1959 by repealing subsection Two of Section Three of said Ordinance; amending Ordinance 52141, approved November 27, 1963, by repealing Section One of said Ordinance; and amending Ordinance 59018, approved December 28, 1983, by repealing Section Eight of said Ordinance, and enacting in lieu thereof four new sections pertaining to the same subject matter to conform to the provisions of House Bill No.1404; and containing a severability clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Subsection Two of Section Three of Ordinance 49623, approved November 9, 1959; Section One of Ordinance 52141, approved November 27, 1963; and Section Eight of Ordinance 59018, approved December 28, 1983, are hereby repealed.

SECTION TWO. There is hereby enacted a new section to be codified as Section 4.18.025 of the Revised Code of the City of St. Louis which shall read as follows: 4.18.025 Membership,Absence.

1. If any member, in any period of five consecutive years after last becoming a member, is absent from service for more than four years unless the member has twenty years or more of creditable service, or if any member withdraws the member's accumulated contributions, or if any member becomes a beneficiary the person shall thereupon cease to be a member; except in the case of a member who has served in the armed forces of the United States or retired pursuant to section 87.170 RSMo., as amended, and is subsequently reinstated as a fireman or as a member in beneficiary status as a widow.

2. Any member who is reinstated after retiring pursuant to conditions in section 87.170 RSMo., as amended, shall not be eligible to participate in the benefit provided pursuant to section 87.182 RSMo, as amended.

SECTION THREE. There is hereby enacted a new section to be codified as Section 4.18. of the Revised Code of the City of St. Louis which shall read as follows:

1. Upon retirement for accidental disability, a member shall receive seventy-five percent of the pay then provided by law for the highest step in the range of salary for the title or rank held by such member at the time of such retirement unless the member is permanently and totally incapacitated from performing any work, occupation or vacation of any kind whatsoever and is continuously confined to the member's home except for visits to obtain medical treatment, in which event the member may receive, in the discretion of the board of trustees, a retirement allowance in an amount not exceeding the member's rate of compensation as a firemen in effect as of the date the allowance begins.

2. Anyone who has retired pursuant to the provisions of section 87.170 RSMo., as amended, and has been reinstated pursuant to subsection 2 of section 87.130 RSMo., as amended, who subsequently becomes disabled as provided in section 87.200 RSMo., as amended, shall receive a total benefit which is the higher of either the disability pension or the service pension.

SECTION FOUR. There is hereby enacted a new section to be codified as Section 4.18.185 of the Revised Code of the City of St. Louis which shall read as follows: 4.18.185 Death benefits, Retired members or members on disability allowance.

A. Upon the receipt of proper proofs of the death of a member who retired while in service, including retirement from service, ordinary disability or accidental disability, prior to September 28, 1983, and provided no other benefits are payable, there shall be paid the following benefits:

1. A retirement allowance to all widows during their widowhood of fifty percent of the deceased member's average final compensation or two hundred dollars per month, whichever is greater, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member who is either under age eighteen or who is totally and permanently mentally or physically incapacitated regardless of age, but not in excess of three children, including both classes, and paid as the Board of Trustees in its discretion shall direct;

2. If no widow benefits are payable pursuant to subdivision 1 of this subsection, such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under age eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically incapacitated, and paid, to or for the benefit of such children, as the Board of Trustees in its discretion shall direct.

3. Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by an any state college or university.

B. Upon the receipt of proper proofs of the death of a member in service or who retired while in service, including retirement for service, ordinary disability or accidental disability, after September 28, 1983, and provided no other benefits are payable, there shall be paid the following benefits:

1. A retirement allowance to all widows during their widowhood of twenty-five percent of the deceased member's average final compensation or two hundred dollars per month, whichever is greater, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member who is either under age eighteen or who is totally and permanently mentally or physically incapacitated regardless of age, but not in excess of three children, including both classes, and paid as the Board of Trustees in its discretion shall direct;

2. If no widow's benefit are payable pursuant to subdivision 1 of this subsection, such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children, regardless of age, who are totally and permanently mentally or physically incapacitated, and paid to or for the benefit of such children, as the Board of Trustees in its discretion shall direct.

3. Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by an any state college or university.

SECTION FIVE. There is hereby enacted a new section to be codified as Section 4.18.195 of the Revised Code of the City of St. Louis which shall read as follows: 4.18.195 Death benefits, Accidental death in service.

A. Upon the receipt of evidence and proof that the death of a member was the result of an accident or exposure at any time, or place, provided that at such time or place the member was in the actual performance of the member's duty and, in the case of an exposure, while in response to an emergency call, or was acting pursuant to orders, there shall be paid in lieu of all other benefits the following benefits:

1. A retirement allowance to the widow during the person's widowhood of fifty percent of the deceased member's average final compensation, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who is totally and permanently mentally or physically incapacitated, regardless of age, but not in excess of a total of three children, including both classes, and paid as the Board of Trustees in its discretion directs.
2. If no widow benefits are payable pursuant to subdivision A, the total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under the age of eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically incapacitated, and paid, to or for the benefit of such children as the Board of Trustees in its discretion shall direct.
3. If there is no widow, or child under the age of eighteen years, or child, regardless of age, who is totally and permanently mentally or physically incapacitated, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother, as the Board of Trustees shall direct, to continue until remarriage or death.
4. Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

B. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically incapacitated, if the child is a patient or ward in a public supported institution.

C. Wherever any dependent child designated by the Board of Trustees to receive benefits pursuant to this section is in the care of the widow of the deceased member, the child's benefits may be paid to the widow of the child.

#### SECTION SIX. SEVERABILITY CLAUSE.

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

#### SECTION SEVEN. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Legislative History					
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND	VOTE
12/20/96	12/20/96	PS	1/22/97		
2ND READING	FLOOR AMEND	FLOOR SUB	VOTE	PERFECTN	PASSAGE
01/24/97				01/31/97	01/31/97
ORDINANCE	VETOED		VETO OVR		EFFECTIVE
63988					

